

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY DONYALE THOMAS,

Plaintiff,

v.

WIS. D.O.C. OFFICER KOESTER
and SERGEANT WITSCHER,

Defendants.

ORDER

11-cv-145-wmc

Plaintiff Timothy Thomas, a former prisoner at Oakhill Correctional Institution in Oregon, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff submits a trust fund account statement for the six-month period immediately preceding the filing of the complaint as required by 28 U.S.C. § 1915(a)(2) and the 1996 Prison Litigation Reform Act. Although plaintiff is no longer in the custody of the Wisconsin Department of Corrections, the court requires his trust fund account statement in order to assess his initial partial payment. Plaintiff should be made aware that the court did receive a business-sized envelope, separate from his complaint envelope, that was empty.

Plaintiff's complaint was filed on February 16, 2011. His trust fund account statement should cover the six-month period beginning approximately August 16, 2010 and ending approximately February 16, 2011. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show

a copy of this order to jail officials to insure that they are aware they should send a copy of plaintiff's six-month trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Timothy Thomas may have until March 21, 2011, in which to submit a certified copy of his trust fund account statement for the period beginning approximately August 16, 2010 and ending approximately February 16, 2011. If, by March 21, 2011, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 2nd day of March, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge